

DOCKET FILE COPY ORIGINAL  
KELLEY DRYE & WARREN LLP

A LIMITED LIABILITY PARTNERSHIP

1200 19<sup>TH</sup> STREET, N.W.

SUITE 500

WASHINGTON, D.C. 20036

(202) 955-9600

October 26, 2000

RECEIVED

OCT 26 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

FACSIMILE

(202) 955-9792

www.kelleydrye.com

NEW YORK, NY  
LOS ANGELES, CA  
CHICAGO, IL  
STAMFORD, CT  
PARSIPPANY, NJ

BRUSSELS, BELGIUM

HONG KONG

AFFILIATE OFFICES  
BANGKOK, THAILAND  
JAKARTA, INDONESIA  
MANILA, THE PHILIPPINES  
MUMBAI, INDIA  
TOKYO, JAPAN

**VIA HAND DELIVERY**

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Re: **Request for Expedited Treatment of First Communications, LLC  
Petition for Waiver – CC Docket No. 94-129**

Dear Ms. Salas:

First Communications, LLC ("First Communications"), through its attorneys, respectfully requests expedited treatment of its Petition for Waiver ("Petition")<sup>1</sup> filed with the Commission on September 28, 2000. In its Petition, First Communications seeks a limited waiver of the authorization and verification requirements set forth in Sections 64.1100 through 64.1190 of the Commission's rules and permission for First Communications to be designated the preferred long distance carrier for the customers of ITS Billing, Inc. ("ITS") without first obtaining each subscriber's individual authorization and verification.

First Communications requests that the Commission approve First Communications Petition on or before November 5, 2000. As explained in its petition, First Communications currently operates as the wholesale carrier for ITS' customers. Those customers are billed from a billing platform operated by ITS. First Communications needs to transition those customers to its own billing platform as soon as possible, due to a variety of limitations in the ITS system that have resulted in lost revenues and have negatively affected

<sup>1</sup> *In the Matter of Implementation of the Subscriber Changes Provisions of the Telecommunications Act of 1996, Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers, First Communications, LLC Request for Waiver, Petition for Waiver, CC Docket No. 94-129 (Filed Sept. 28, 2000).*

ITS' customers. Therefore, so that this transition may occur smoothly, First Communications requests expedited treatment of its Petition.

To facilitate this transaction, First Communications will send a pre-migration notification letter to each ITS customer (in substantially the same form enclosed herein) notifying them of the migration. This letter will inform customers of the upcoming change to First Communications; that there will be no changes in rates, services or charges to the customer as a result of the transition; and that the customer has the option of selecting a service provider of choice at any time. First Communications will send this letter to ITS customers beginning on October 30, 2000. A second notification letter will be sent after the transfer has been approved and completed.

On or about November 5, 2000, First Communications will begin to migrate ITS customers to the First Communications billing system. These customers will be billed in the name of First Communications/ITS, and, as stated in the petition, will not experience any change in rates or services. Until the Commission approves the application, First Communications will segregate ITS customers from First Communications customers, so that ITS customers can be easily identified.

Approval of a limited waiver of the Commission's LOA and verification rules will allow a seamless transfer that will be transparent and advantageous to customers. Customers will not be harmed by the transition to First Communications.<sup>2</sup> First Communications requests that the Commission approve this application expeditiously.

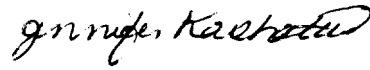
---

<sup>2</sup> In the event that complaints arise against ITS, First Communications commits to work with the Commission to resolve such concerns.

Ms. Magalie Roman Salas  
October 26, 2000  
Page 3

Thank you for your consideration. Please contact the undersigned if we can provide any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Kashatus".

Steven A. Augustino, (202) 955-9608  
Jennifer Kashatus, (202) 887-1234

Counsel for First Communications, LLC

Enclosure

cc: K. Michele Walters  
Dana Bradford  
Ted Burmeister

## IMPORTANT INFORMATION REGARDING YOUR TELECOMMUNICATIONS SERVICE.

Dear ITS Billing, Inc. Customer:

Welcome! We are happy to share some exciting news about your long distance telephone service. For the past two years, First Communications LLC has provided underlying network transmission to ITS Billing, Inc. and its customers. As of **November 5, 2000**, we will begin a transition of ITS Billing, Inc.'s long distance customers to First Communications. When complete, First Communications will continue to provide the excellent service quality you're already receiving on your calls.

All of the great things that you have come to expect from ITS will remain the same. There will be no change to your rates, service options, or the way that you dial. In addition, you still will have access to helpful and informed customer care representatives. There will not be any charge or fee as a result of this transition. The only change that you will notice will be the name of your carrier. And, starting in November, your monthly bill will have a new look and be easier to read.

First Communications is an innovative company committed to providing you with excellent service, savings and choices you expect from a full service provider. If, within the first 90 days, you are not satisfied with First Communications' service, we will pay the fee to switch you to the long distance carrier of your choice. We are confident, however, that when you experience the low rates and quality service First Communications offers you will remain with First Communications.

Again, we want to welcome you, in advance, to First Communications. If you have any questions, please call a customer care representative at 800-979-0200 between 8 a.m. and 10 p.m. Monday through Friday, or between 9 a.m. and 5 p.m. on Saturday and Sunday.

Sincerely,

First Communications, LLC